

(conditionally) Davis(N)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

FILED  
OCT - 6 2008  
CLERK, US DISTRICT COURT  
NORFOLK, VA

Action Number 2:08cv477

(To be supplied by the Clerk,  
U.S. District Court)

Please fill out this complaint form completely. The court needs the information requested in order to assure that our complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. PLAINTIFF:

1. (a) William Albert Rock (b) 371965  
(name) (inmate number)

(c) Haynesville Correctional Center  
(address)

P.O. Box 129 Haynesville, VA. 22472

Plaintiff MUST keep the Clerk of Court Notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

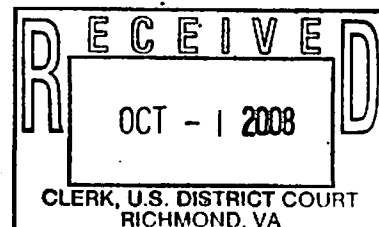
B. Defendant (s):

Plaintiff is advised that only persons acting under color of state law are proper defendants under section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under section 1983. In addition, liability under section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens and sheriffs are not liable under section 1983 just because they supervise persons who may have violated your rights. These persons are liable only if they were personally involved in the alleged deprivation. In addition, prisons, jails, and departments within an institution are not persons under section 1983.

1. (a) D.T. Mahon, et al, (b) Warden  
(name) (title/job description)

(c) Haynesville Correctional Center  
(address)

P.O. Box 129 Haynesville, VA. 22472



2. (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(name) (title/job description)
- (c) \_\_\_\_\_  
(address)
3. (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(name) (title/job description)
- (c) \_\_\_\_\_  
(address)

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff **MUST** provide an address for a compliant. If plaintiff does not provide an address for a defendant, that person may be dismissed as a party of this action.

In addition, plaintiff **MUST** provide a copy of the completed complaint and any attachments for EACH defendant names.

## II. PREVIOUS LAWSUTTS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes ( ) No (✓)

B. If your answer to A is YES: You must describe any lawsuit, whether currently pending or closed, in the space below. (If there is more than on lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.)

1. Parties to previous lawsuit:

Plaintiff (s) \_\_\_\_\_  
Defendant (s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the country):

\_\_\_\_\_

3. Date lawsuit filed: \_\_\_\_\_

4. Docket number: \_\_\_\_\_
5. Name of Judge to whom case was assigned: \_\_\_\_\_
6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): \_\_\_\_\_

III. GRIEVANCE PROCEDURE

- A. At what institution did the events concerning our current complaint take place?  
Haynesville Correctional Center
- B. Does the institution listed in A have a grievance procedure?  
Yes (☒) No ( )
- C. If your answer to B is YES:
  1. Did you file a grievance based on this complaint?  
Yes (☒) No ( )
  2. If so, where and when: Haynesville Correctional Center 5-14-2008
  3. What was the result? Unfounded
  4. Did you appeal? Yes (☒) N ( )
  5. Result of appeal: Unfounded
- D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes ( ) No ( )  
If your answer is YES: What steps did you take?  
\_\_\_\_\_
- E. If your answer is NO, explain why you did not submit our complaint to the prison authorities.  
\_\_\_\_\_

#### IV. STATEMENT OF THE CLAIM

[ State here as briefly as possible the facts of your case.

Describe how each defendant is involved and how you were harmed b their actions. Also include the names of any other persons involved, dates and places of events. You may cite constitutional amendments you allege were violated, but do not give any legal arguments or cite any cases or statutes.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph (Attach additional sheets if necessary.)]

I have been incarcerated since 11-26-2005, I have been unable to get  
proper dental care since. I first was in chesterfield jail then transferred  
to Riverside Regional Jail where I lost a filling and was seen by the  
dentist there. He did temporary work and explained that he wouldn't  
be able to do anything else because I was a D.O.C. Inmate. I was there  
for 18 months and he worked on this tooth 3 times and eventually had  
to extract it. I was then shipped to Deep Meadows Receiving  
Center where I lost another filling and was unable to get any  
thing done other than a dental exam. I was told by their dental  
department that I would have to wait till I got to my  
final destination. I was transferred to Haynesville Correctional  
Center on 2-1-08. I put in a request for dental on 2-08-08  
and was seen shortly after word by the dentist and was given a dental  
exam and told that I had six cavities and that I would have to have  
them repaired plus get a dental cleaning before I could get a partial  
plate. I asked about the tooth that was causing my pain that I had  
written the request about and was told that I would have to  
put in a request to get it worked on. when I stated that I had

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done That on the request that I was there for, I was told that I had to have a dental exam and that the work would have to go on another request. I put in another request for the work on that tooth on 4-22-08 and was told that I would be put on the list to see the dentist. I was told that we no longer have a dentist at this facility that he had quit the third week in February. I waited to be called by dental to see the part time dentist that has been coming to the facility and wasn't called so I then filed an informal complaint on 5-6-08 and it was answered on 5-~~12~~<sup>12</sup>-08 by Mrs Clarke, the dental hygienist stating that I was on the list to see the dentist, and that there was not a dentist here any longer. So far at this point I still had received no dental care other than a dental exam. This exam did not help with the pain or with the fact that I am missing teeth and am having a lot of difficulty chewing my food. I then filed a regular grievance on 5-14-2008. On 5-29-2008 I was called to dental by Mrs Clarke the dental hygienist and she explained that we did not have a dentist and the one they had coming in part time was no longer coming. I was given a dental xray by Mrs Clarke and her and the medical doctor reviewed the xray and the doctor prescribed an antibiotic for 10 days and Motron for pain as needed for 30 days. The doctor then scheduled a telemed conference with

with dental surgens at the Medical College of Virginia. I was told by The dentist hygenist That only my most severe dental work would be addressed. I asked Mrs Clarke if all of my other dental work would have to get to this point to get my work done and she said "Lord I hope not."

On 6-14-2008 I was called to dental and seen by The original dentist I had seen in February. He had come in part time. When I first got into dental There was confusion That They had called The ~~me~~ wrong person, but They went ahead and seen me. The dentist first asked me why I was There Then he reveiued my Chart and Told me That I had seen The doctor about my dental problem. Myself and Mrs Clarke explained to him That she and The doctor had reveiued my extra. He Then said That he seen That I had been scheduled to have a Telemed with M.C.V. and asked if I thought That was why I was There. I explained to him I was There because I had been called There. He said There was nothing he was going to do on That day. I Then filed an emergency Grievence on 6/14/08 and again was told That I was on a waiting list to see The dentist. I filed my level 1 grievance and received my response 6-19-08 That it was unfounded. I wrote a letter to warden Mahon on 6-19-08 explaining my dental situation to him Thinking That maybe he could help me. I Then filed my level 2 grievance and received my reply on 7-14-2008 and it was unfounded.

I am now coming to where I have to resort to a 1983  
in hopes of getting the much needed dental care  
that I have a right to. My eight amendment right  
prohibiting against cruel and unusual punishment is in  
violation by this facility imprisoning me and ~~is~~ is unable  
and/or unwilling to render medical care as in (dental  
treatment) in a timely manner, and/or transport or  
transfer me to a facility to render proper treatment.  
I continue to suffer from pain and am subject to  
possible infection, and am unable to chew food properly.  
In recompense for this I have been given motron and an  
antibiotic and told that I am on a waiting list for  
both a telemed conference which will only prolong my  
suffering and a dentist.

In allowing this condition to continue has lasting effects  
upon my health. The teeth in my mouth are growing crooked. I  
am forced to chew foods that are damaging my gums as well as  
not being able to chew properly is causing digestive problems.  
I am afraid of hot and cold food or drink because of the  
pain that they cause. One of the cavities is deep in the gum  
line and I fear that this is getting to the point of  
causing bone damage in my jaw bone.

(4)

I was transported to Medical college of Virginia on 9-10-2008 and had (2) Two teeth extracted. This has now compounded my dental problem by reducing the number of teeth that I have remaining to chew with. Since This extraction my gums have become more enflamed, sore and raw. I now have four teeth that meet that I can chew with, plus I still have four cavities which remain. I am unable to eat properly and I am now losing weight.

